

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

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|---------------------------------|---|-------------------------------------|
| Michele O'Donnell, |) | |
| |) | |
| Plaintiff, |) | Civil Action No.: 5:17-cv-00124-JMC |
| |) | |
| v. |) | ORDER |
| |) | |
| Commissioner of Social Security |) | |
| Administration, |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on Plaintiff Michele O'Donnell's Motion for Attorney's Fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), filed on August 13, 2018. (ECF No. 29.) Defendant Commissioner of Social Security Administration ("the Commissioner") responded to Plaintiff's Motion on August 27, 2018, and did not oppose Plaintiff being awarded three thousand, three hundred and sixty-eight dollars and seventy-five cents (\$ 3,368.75) in attorney's fees and expenses in the amount of twenty-two dollars and twenty-five cents (\$ 22.25). (ECF No. 30.) After reviewing Plaintiff's Motion (ECF No. 29) and the Commissioner's Response (ECF No. 30), the court finds that the unopposed request for fees is reasonable and that Plaintiff is entitled to an award of attorney's fees under the EAJA in the unopposed amount.

In accordance with *Astrue v. Ratliff*, U.S. 586, 589 (2010), EAJA fees awarded by this court belong to the litigant, thus subjecting EAJA fees to be offset under the Treasury Offset Program, 31 U.S.C. § 371(c)(3)(B). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff's counsel. *Astrue*, 560 U.S. at 589. The amount of attorney's fees payable to Plaintiff will be the balance of unopposed attorney's fees remaining after subtracting the amount of Plaintiff's outstanding federal debt. 31 U.S.C. § 3716. If Plaintiff's outstanding

federal debt exceeds the amount of attorney's fees under the unopposed amount, the unopposed amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid. *See* 31 U.S.C. § 3716. (*See also* ECF No. 30 at 1–2.)

After a thorough review of Plaintiff's Motion (ECF No. 29) and the Commissioner's Response (ECF No. 30), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 29) and awards \$ 3,368.75 in attorney's fees and \$ 22.25 in expenses.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style with a large initial "J".

United States District Judge

May 28, 2019
Columbia, South Carolina